## UNITED STATES DISTRICT COURT 1 2 DISTRICT OF NEVADA 3 GEORGE BRASS, Petitioner, 2:13-cv-02020-GMN-VCF 4 5 **ORDER** VS. 6 BRIAN WILLIAMS, SR., et al., 7 Respondents. 8 9 10 11

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This action is a pro se petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, by a Nevada state prisoner. Neither a filing fee nor an application to proceed in forma pauperis was submitted with the petition. Petitioner must either submit the \$5.00 filing fee for habeas petitions or an application to proceed in forma pauperis.

Due to the defects presented, the pauper application will be denied, and the present action will be dismissed without prejudice to the filing of a new petition in a new action with a pauper application with all required attachments. It does not appear from the papers presented that a dismissal without prejudice would result in a promptly-filed new petition being untimely. In this regard, plaintiff at all times remains responsible for calculating the running of the limitations period as applied to his case and properly commencing a timely-filed habeas corpus action.

IT THEREFORE IS ORDERED that this action is DISMISSED without prejudice to the filing of a new petition in a new action.

**IT FURTHER IS ORDERED** that the Clerk of the Court shall send petitioner two copies of an in forma pauperis application form for a prisoner, one copy of the instructions for the same, two copies of a blank 28 U.S.C. § 2254 habeas petition form, one copy of instructions for the same, and one copy of the papers submitted at ECF No. 1.

IT IS FURTHER ORDERED that petitioner may file a new petition in a new action, but he may not file further documents in this action.

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IT IS FURTHER ORDERED that the Clerk of the Court shall enter judgment accordingly. **DATED** this 7th day of November, 2013. Gloria M. Navarro United States District Judge